

Dryden Policy Directive

Effective Date: April 2, 1999

Expiration Date: April 2, 2004

RESPONSIBLE OFFICE: A/Acquisition Management Office**SUBJECT:** Purchase of Commercial or Commercial-Type Products**1. PURPOSE**

This directive provides guidance for the documentation required when submitting a purchase request for more than \$2,500 of commercial or commercial-type products with "brand-name" or "brand-name-or-equal" product descriptions. For purchase of products or services over \$2,500, contracting officers are required to solicit quotations from a reasonable number of sources to promote competition to the maximum extent practicable and ensure that the purchase is advantageous to the Government. To enable the contracting officer to determine competitive opportunity on purchases using "brand-names" or "brand-name-or-equal" purchase descriptions, additional documentation is required.

2. DEFINITIONS

"Commercial product" - a product such as an item, material, component, subsystem, or system, sold or traded to the general public in the course of normal business operations at prices based on established catalog or market prices.

"Commercial-type product" - a commercial product (a) modified to meet some Government-peculiar physical requirement or addition or (b) otherwise identified differently from its normal commercial counterparts.

"Brand-name" - a purchase description that identifies a product by its brand name and model (or part number) or other appropriate nomenclature by which the product is offered for sale to the public by the particular manufacturer, producer, or distributor. This description denotes that the product is available from one source only.

"Brand-name-or-equal" - a purchase description containing references to one or more brand-name products followed by the words "or equal". This description denotes that the product is available from more than one source.

3. REQUIREMENT

A. A "brand-name" or "brand-name-or-equal" product description shall only be used for commercial or commercial-type product purchases.

B. The purchase description developed shall be as broad and nonrestrictive as engineering or technical judgment will allow. Only the essential physical and functional characteristics of the equipment necessary to express the minimum requirement are to be used, such as the minimum acceptable dimensions, size, or capacity, and essential operating conditions.

C. The Following statement shall be included with the PR when a "brand-name" purchase description is used:

"In my best technical judgment, the purchase description, or specification, describing the procurement to be made pursuant to PR (No. _____) represents the broadest range of performance levels, dimensions, and other pertinent characteristics and does not stipulate features beyond the minimum necessary for the intended use".

Signed: _____ Concur: _____ *

(PR Initiator)

D. The following data shall be added to the statement in paragraph C above when a "brand-name-or-equal" description is used to describe the product:

"Further, (list company(ies) catalog(s) or specifications have been used in preparing the purchase description or specification accompanying this PR. The use of the above named company (ies) product characteristics is necessary in order to (state objective or rationale), but adequate competition should be possible since I believe that products of the following list firms meet the essential requirements of the purchase request: (list known firms). The salient characteristics which must be matched by an offeror proposing an "or equal" product are as follows: (list salient (essential) physical, functional, or other characteristics. When interchange ability of parts is required, that should be specified. As necessary, include a complete common generic identification of the item, applicable model, make, or catalog number, name of manufacturer, producer or distributor, or (when needed) a commercial catalog description or pertinent extracts)".

*Approving Official (Branch or Directorate Chief depending on dollar value of the PR).

Kevin L. Petersen
Director

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